

FREDERICK COUNTY CIRCUIT COURT



FAMILY DIFFERENTIATED CASE MANAGEMENT PLAN

January 2023



This Plan has been approved by the County Administrative Judge of the Circuit Court for Frederick County, upon authority of the Chief Justice of the Supreme Court of Maryland.

Family Differentiated Case Management Plan

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Family Differentiated Case Management Plan

OVERVIEW

This Family¹ Differentiated Case Management (DCM) Plan is established in accordance with Md. Rule 16-302(b), which requires the County Administrative Judge to develop and, upon approval by the Chief Justice of the Supreme Court of Maryland, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court.

Statement of Purpose

This Family DCM Plan has been created to provide effective case management in compliance with the Maryland Rules, while also providing a predictable course of action and timely resolution for all family cases. Family cases present unique issues not encountered in criminal cases or other types of civil cases. The adversarial framework inherent in the court process is often not the preferred method of resolving family issues. The Family Differentiated Case Management Plan is implemented to help provide for a just and efficient resolution of cases without compromising due process. Meaningful events may be included in several tracks to facilitate timely disposition early in the case. Postponement requests are governed by a written policy, approved by the County Administrative Judge, with a view to curbing delay wherever possible.

It is the purpose of this DCM Plan to provide an effective case management system, which will assure:

- Equal treatment of all litigants by the Court;
- The best interests of the children and families in our community are served;
- All litigants are aware of their rights and responsibilities, with access to information that will assist them with judicial procedures;
- Appropriate support services are available for families so that conflict is reduced, and problem-solving techniques are introduced to the parties in an effort to reduce future litigation;
- Consistent rulings in family matters;

¹ Family cases have historically been called Civil Domestic cases.

- Timely resolution and disposition consistent with the circumstances of the individual case;
- Quality of the litigation process; and
- Public confidence in the Court as an institution.

Case Management

The policies and procedures outlined in this plan shall be implemented by the judges and magistrates, the Deputy Court Administrator, the Family Case Manager, the Family Services Coordinator, and various Assignment Office and Clerk's Office staff. The Family Case Management Judge and Family Case Management Magistrate, with assistance from the Deputy Court Administrator, supervise all aspects of family case management and are ultimately responsible for the monitoring of this plan, pursuant to Md. Rule 16-302(b). The County Administrative Judge makes all final decisions, including whether and to whom a case should be assigned, when necessary.

All judges and magistrates are responsible to comply with and implement in their rulings and recommendations, the provisions of this plan. Individual judges are responsible for the effective management of cases assigned to them; however, the scheduling of assigned cases must always be coordinated with the Assignment Office. Assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the case time standards.

CASE PROCESSING EVENTS – ALL FAMILY CASE TYPES

The following are the major events for family cases. ANY QUESTIONS ABOUT THIS PROCESS SHOULD BE DIRECTED TO AN ATTORNEY OR THE HELP CENTER, RATHER THAN THE CLERK'S OFFICE OR THE COURT.

Complaint or Petition Filed

The following steps are required to file a family case:

Complaint or Petition

A Complaint or Petition is filed with the Court (Md. Rule 2-111) at the Circuit Court Clerk's Office. Most family cases are required to attach a completed [Domestic Case Information Form](#) (CC-DCM-

001) with the complaint. Family case subtypes exempt from filing the Domestic Case Information Form include the following:

- Contempt for failure to pay child support, when filed by a government agency;
- Domestic violence relief under FL §4-501 through 4-516, including Md. Rule 3-326(c) transfer;
- Paternity, when filed by a government agency under FL §5-1001 through 5-1048.

Filing Fees Paid

Refer to the [Summary of Charges, Costs, and Fees of the Clerks of the Circuit Court](#) for fees. Filing fees may be waived or deferred by the Court, based on the following conditions:

- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089);
- ✓ Representation by a civil legal aid lawyer; and/or
- ✓ Other determination by the Court.

If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days to pay the filing and other required fees/prepaid costs.

Service: Notification of the Other Party(ies) (defendant(s))

The Clerk's Office will issue a summons for the moving party (usually the plaintiff) to serve, that is to provide the opposing party (usually the defendant), with a copy of the suit/complaint/petition that has been filed (Md. Rule 2-112). There is a 60-day time limit to serve the summons on the opposing party. After the time limit has expired, the summons is no longer valid unless renewed by request of the moving party. The original complaint, summons, Domestic Case Information Report, and financial statement, if applicable, must be delivered to the opposing party. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail, restricted delivery; 2) Private Process; 3) Constable; and 4) Sheriff. The plaintiff may not personally serve the defendant.

Proof of Service

The Court requires that the moving party (plaintiff) file an [Affidavit of Service](#) (CC-DR-55 or CC-DR-56) form to prove that the opposing party has been served. If the Court does not receive proof of service within the time allotted for the opposing party (usually the defendant) to file an answer, the moving party's (usually the plaintiff) complaint may be dismissed.

Lack of Jurisdiction

If the defendant (or opposing party) has not been served after 120 days from the date of issuance of original process, the Clerk's Office issues a notice of intention to dismiss, pursuant to Md. Rule 2-507(d), indicating that the case will be dismissed, but providing the opportunity for the moving party (usually the plaintiff) to move the Court for a deferral thereof. A judge may grant deferral of the dismissal if merited, otherwise the case shall be dismissed without prejudice. An entry is made in the case that the case was dismissed for lack of jurisdiction.

Answer

The defendant (or opposing party) must file an affirmative answer, typically within 30 days after receiving a summons, for most Circuit Court family case subtypes (Md. Rule 2-321).² Once an answer has been filed, these cases are considered by the Court to be at issue, and the case shall proceed in the normal course (Md. Rule 2-323). In addition, if the defendant (or opposing party) seeks to modify any information on the original Domestic Case Information Form, or expects to file a counterclaim, cross-claim, or third-party claim, he or she is required to file a [Domestic Case Information Form](#) (CC-DCM-001) with the answer.

Forms

Access to all forms that may be required is located on the [Index of Family Forms](#) at the Maryland Judiciary website: <http://mdCourts.gov/family/formsindex.html>

FAMILY TRACK DESIGNATIONS

A family case may follow four potential tracks to resolution. Tracks are defined either at filing of the petition, upon receipt of an uncontested answer or by a magistrate at a Scheduling Conference. Track designations are based on case subtype as well as what issues are contested and/or uncontested. Tracks define expected case processing events, the timing of events, assignment, and the expectations for case duration. Track assignment may be changed at any point during the pendency of a case if the status of the case changes.

² Exceptions include defendants who are served outside the State of Maryland, among others. See Md. Rule 2-321 for information on who would have a different deadline to file an answer.

Consistent with the case time standards adopted by the Judicial Council, Constitutional requirements, and applicable Maryland Rules, it is the goal of this plan to ensure that the following time standards are met whenever possible. Expected duration is based on needed time to reach resolution, which may be less than the time standard. A concluded disposition is considered either by judgment or dismissal.

- ❖ Complaints for Limited Divorce – 98% should be concluded within 24 months (730 days) of the filing date.
- ❖ All remaining family case types – 98% should be concluded within 12 months (365 days) of the filing date.

Family Case Types Defined

- adoption
- alimony
- annulment
- case arising from marital settlement agreements
- child support (excluding Office of Child Support Enforcement [hereinafter OCSE] filings)
- contempt petition of any family order
- custody
- divorce (both absolute and limited)
- enrollment of foreign decree
- guardianship
- name change
- post judgment modification of any family order
- private paternity
- visitation

Other Family Case Types

- Domestic violence cases originally before the Circuit Court are scheduled before a judge in accordance with FL §4-501. Appeals from rulings of the District Court in domestic violence cases will be scheduled in accordance with FL §4-507. Transfers from the District Court in domestic violence cases will be scheduled by the District Court for the hearing on the final protective order to be heard in the Circuit Court.

- Appeals of peace orders from the District Court will be scheduled before a judge in accordance with CJP §3-1506.

Petitions for Protection from Domestic Violence

Petitions for Protection from Domestic Violence must be filed with the Clerk's Office. The Clerk's Office will send the case to the chambers judge, and the petitioner will be directed to the appropriate courtroom, as these petitions will be heard in open court the same day. If the request for ex-parte or Temporary Protective Order is granted, a Temporary Protective Order will be issued in the courtroom and a hearing will be set within seven days to determine whether a Final Protective Order should be issued.

The respondent will be served with an order that contains the date of the next hearing, so that they may be present and be given the opportunity to present testimony and/or evidence. On the date of the Hearing for Final Protective Order, if the respondent has not been served and is not present, then the Temporary Protective Order may be extended and the hearing rescheduled within the next seven days, so proper service can be obtained. If the respondent still cannot be served, the Temporary Protective Order may be extended up to six months.

Table 1.1 – Family Tracks, Case Types, and Outcomes

Track	Case Subtypes	Expected Case Duration and Notes	Time allotted for Trial / Merits Hearing
Track 1: Expedited	<ol style="list-style-type: none"> 1. Uncontested Divorce cases 2. Uncontested or Limited Child Support Issues 3. Uncontested or Limited Child Access Issues 4. Uncontested Annulments 5. Defaults 	Answer + 90 days = up to 180 days from filing	10 minutes to 2 hours
Track 2: Standard	<ol style="list-style-type: none"> 1. Contested Divorces, with custody and/or child support issues 2. Contested Divorce cases, with some property and/or financial issues 3. Contested Child Support cases 4. Contested Child Custody/Access issues 5. Contested Paternity cases 6. Contested Third Party Custody cases 7. Contested Annulments 	Answer + 220 days = up to 310 days from filing More time may be allotted for Complaints for Limited Divorce	1-3 days
Track 3: Complex	<ol style="list-style-type: none"> 1. Contested Divorce cases, with numerous witnesses including experts 2. Contested Divorce cases, with numerous property issues, including but not limited to, business property and/or large assets; protracted litigation 	Answer + 260 days = up to 350 days from filing 3-5% of caseload; specially assigned and custom managed More time may be allotted for Complaints for Limited Divorce	4+ days
Track 4: Special Petitions	<ol style="list-style-type: none"> 1. Adoptions, contested and uncontested 2. Guardianship petitions, contested and uncontested 3. Name Change petitions 4. Declaration of Gender Identity petitions, with or without Name Change 5. Enrollments of a Foreign Decree 	Custom managed by judge designated to handle each case subtype or generally concluded no later than 270 days from filing	varies

Diagrams 1.0 through 3.1 illustrate the events and times required for family case processing by track and case subtype, where applicable, in flowchart form and are located immediately following each track or subtype description.

Track 1 Designation at Filing of Answer or at Entry of Default Order

After receipt of an uncontested answer in any family case, other than those subtypes that would automatically be designated as Track 4 at filing, the Clerk's Office shall designate the matter a Track 1 "Family Track 1 Default/Uncontested" and proceed with the appropriate processing of the matter accordingly.

After an Order of Default is entered for failure to timely file an answer, the Assignment Office shall designate the matter as Track 1 "Family Track 1 Default/Uncontested" or "Family Track 1 Reopen Default" and proceed with the appropriate processing of the matter accordingly.

Track 2 or 3 Designation at the Scheduling Conference Event

After receipt by the Court of an answer in any family case, other than those subtypes that would automatically be designated as Track 4 at filing, if it is determined that there is any contested issue, a Scheduling Conference is scheduled. The family magistrate shall, at the Scheduling Conference on the record in open Court, designate the matter as either a Track 2 or 3 "Family Track 2/3".

However, if the family magistrate finds that the only contested issue is either limited child support or limited access, a Track 1 "Family Track 1 Limited Issues" designation may also be made. The Assignment Office will be responsible for entering these track designations into the case management system based upon the magistrate's recommendation at the Scheduling Conference.

Track 4 Designation at Filing

Upon receipt of a Petition for Adoption or a Petition for Guardianship, the Clerk's Office will designate the matter as Track 4 and proceed with forwarding the matter to the Case Manager in Guardianship cases, or the judge designated to handle Adoptions for the appropriate processing. Upon receipt of a Petition for Name Change, Petition for Declaration of Gender Identity or Petition to Enroll a Foreign Decree, the Clerk's Office will designate the matter as Track 4 and proceed with the appropriate processing of the matter as outlined in the corresponding Process Summary sections below.

TRACK 1 – EXPEDITED CASES

Uncontested Case Process Summary

In cases where an uncontested answer or line requesting an uncontested hearing is filed, the Assignment Office will schedule an uncontested hearing with one of our Circuit Court magistrates within 90 days and issue a hearing notice.

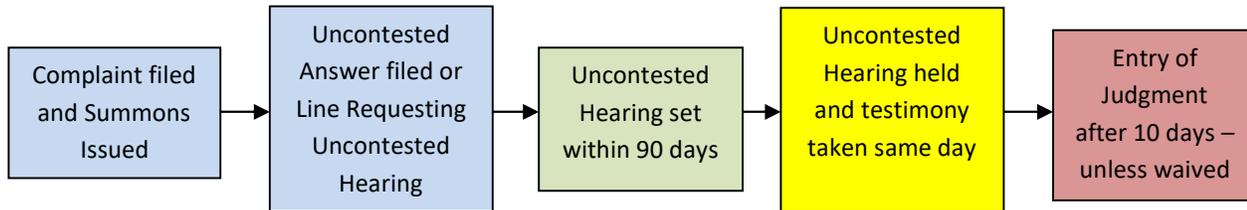
The case will be sent to a judge for the issuance of the final order or judgment, once held for the appropriate amount of time (if applicable) after testimony has been taken at the uncontested hearing before a magistrate.

Uncontested Case Timeline

- Day 1: Complaint filed and summons issued
- Up to Day 60: Service is made on defendant(s)
- Up to Day 90: Uncontested answer filed and Notice of Procedure issued
- Up to Day 180: Uncontested Hearing before a magistrate (testimony can be taken at this time)
- Up to Day 200: Judgment / Final Order entered

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Diagram 1.0 – Track 1 – Uncontested Cases



Default Order Entered – Process Summary

In cases where the defendant(s) has been properly served, but no answer has been filed, a Motion for Default may be filed by plaintiff. If the Motion for Default is granted, the matter is sent to the Assignment Office for a Default Hearing to be set in approximately 45 days, but not more than 60 days, with notice being issued to all parties. The Clerk’s Office then issues a Notice of Default that informs the defendant of the 30-day time limit in which to file a Motion to Vacate the Order of Default.

Default Hearing

If no Motion to Vacate Default has been filed and the defendant(s) fails to appear, testimony can be taken at this time with only the plaintiff present. Once testimony is taken before a magistrate, a recommended Final Order/Judgment will be sent to a judge for signature after expiration of the 10-day exception period.

If the default is vacated upon the timely request of the defendant by motion, the Assignment Office will be directed to remove the Default Hearing and set a Scheduling Conference. If the default is vacated upon request of the defendant when appearing at the Default Hearing, the Default Hearing may then be treated as a Scheduling Conference or the Assignment Office may be directed to schedule a Scheduling Conference at a later date. At the Scheduling Conference, a change of track designation will be determined, and the case will follow the appropriate process.

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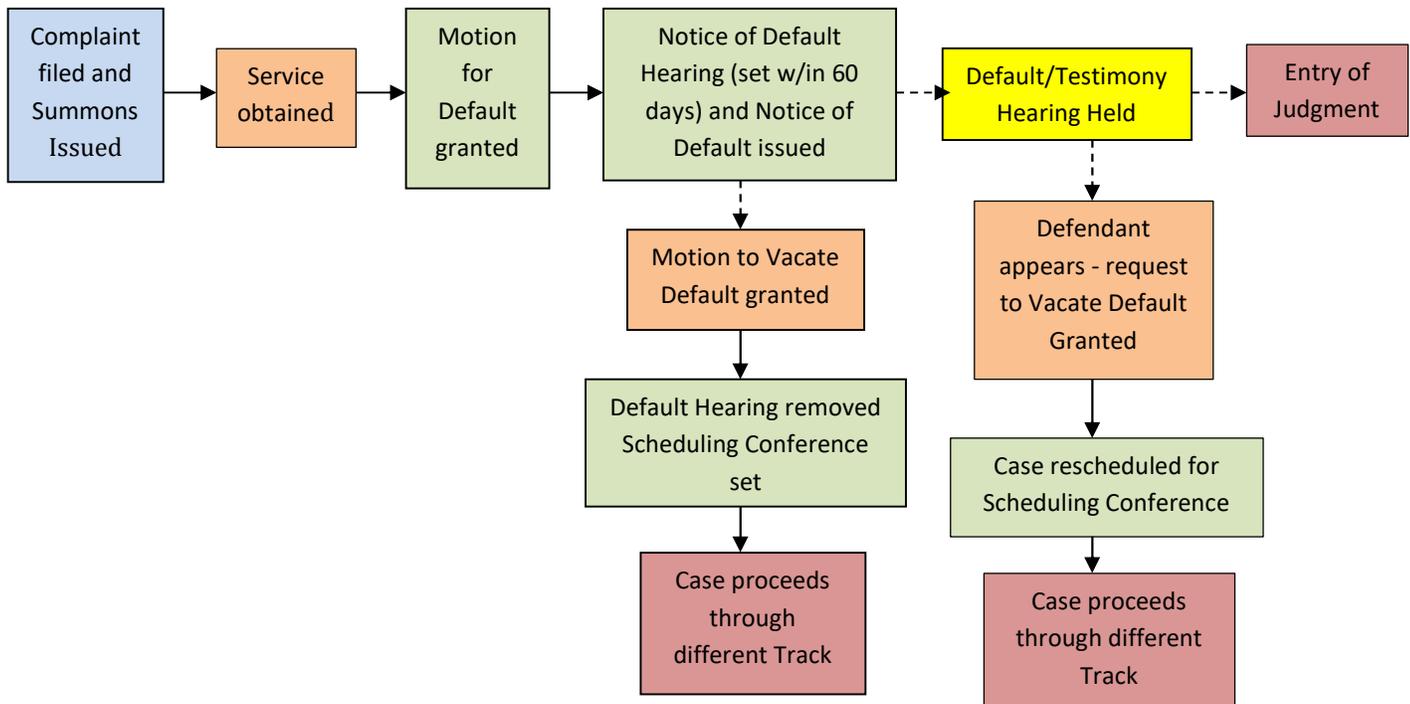
If a Default Hearing is expected to exceed 30 minutes, the plaintiff shall notify the Assignment Office that a lengthier hearing is needed so that the same may be specially set. The information regarding hearing length may be included in the Default Motion and proposed Order.

Default Order Timeline

- Day 1: Complaint filed and summons issued
- Up to Day 60: Service is made on Defendant(s)
- Day 90 - 120: Motion for Default filed and granted
- Day 180: Default Hearing – testimony taken
- Up to Day 200: Judgment / Final Order entered

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Diagram 1.1 – Track 1 – Default Order



Limited Child Support or Access Issues – Process Summary

Scheduling Conference (Mandatory)

A Scheduling Conference is set for all contested family cases by the Assignment Office no later than 30 days after an answer or a counter-complaint is filed. Most Scheduling Conferences are heard by a Circuit Court family magistrate. Scheduling Conferences are not scheduled in uncontested cases, cases for which no answer has been filed, or where a contempt petition and Show Cause Order have been filed. In contempt cases, a Prehearing Conference will be scheduled via a Show Cause Order.

The magistrate conducts the Scheduling Conference to:

- a) Provide an early opportunity for the parties to settle any of the issues in their case;
- b) Determine the contested issues in each case;
- c) Establish track designations;

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- d) Determine the need for any Family Services and/or Coordinated Service Referrals and make any needed referrals and/or recommendations;
- e) Set any/all future court proceedings, to include a Status or Settlement Conference, if needed, and a Merits Hearing; and
- f) Arrive at a time estimate for any necessary hearings; and
- g) Provide the parties with the Maryland Parenting Plan Instructions and the Maryland Parenting Plan Tool pursuant to Md. Rule 9-204.1(b), if applicable

THERE WILL BE NO TESTIMONY/EVIDENCE PRESENTED AT THE SCHEDULING CONFERENCE.

All parties and their counsel must personally attend the Scheduling Conference unless excused by the Court prior thereto.

At the Scheduling Conference, agreed dates are obtained from the attorneys and parties for the scheduling of any necessary future court proceedings. Counsel and parties are expected to bring their calendars, as dates will not later be rescheduled as a rule. The parties generally will not receive additional time from the Court once dates are set (e.g., if the Merits Trial is set for 2 days, that is the only time set aside for the trial – more time will not be later granted). If In-House Mediation is ordered, the date will be scheduled in open court at the Scheduling Conference.

HEARING/TRIAL DATES ESTABLISHED AT THE TIME OF THE SCHEDULING CONFERENCE SHALL NOT BE POSTPONED EXCEPT AS OUTLINED IN THE **POSTPONEMENTS** SECTION FOUND BELOW.

Scheduling Orders and Orders for Service Referrals

Immediately following the Scheduling Conference, a Scheduling Order will be issued, if appropriate, based upon the hearing dates set in court. Some cases may not have a Scheduling Order issued.

However, a notice of upcoming hearings will always be issued. Any orders for family services that were recommended by the magistrate (usually the only service ordered in Track 1 cases is mediation) will also be issued immediately following the Scheduling Conference. Services may include, but are not limited to, mediation, attorney for the child, parenting coordination, substance abuse testing, supervised visitation, or family therapy. (Please see the “FAMILY SERVICES and COORDINATED SERVICE REFERRALS” section below)

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Status or Settlement Conference

A Status or Settlement Conference may be set in these types of cases if ADR/Mediation is ordered. These hearings are held before a magistrate. The magistrate will place on the record any settlement agreement reached between the parties at the hearing. Unless requested by motion and approved in advance of the Status or Settlement Conference, parties and counsel must appear in person. A Settlement Conference will start at the time set forth in the Scheduling Order and/or Hearing Notice and will continue until the magistrate declares an impasse or settlement is reached. Parties and counsel should be prepared to be present at court for several hours or more.

Documentation May Be Required

Discovery. If a Scheduling Order is issued, a cut-off date for filing of all discovery will be listed and parties should conclude all discovery by the date in the Scheduling Order.

Child support. If child support is at issue, counsel and/or unrepresented parties are required to prepare, exchange and file proposed Child Support Guidelines, (with supporting documentation), 10 days in advance of the Status or Settlement Conference, if one is set or if no Status or Settlement Conference is set, the proposed Child Support Guidelines (with supporting documentation) are due 10 days in advance of the Merits Hearing, unless otherwise indicated in any Scheduling Order issued.

Access. Pursuant to Md. Rule 9-204: if access is at issue, counsel and/or unrepresented parties are required to prepare, exchange and file either the Maryland Parenting Plan Tool or a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time, 10 days in advance of the Status or Settlement Conference. If a Status or Settlement Conference is not set, then these are to be filed 10 days in advance of the Merits Hearing, unless otherwise indicated in any Scheduling Order issued.

In every case that is not settled at a Status or Settlement Conference, the Court may enter an order that recites in detail any decisions made or stipulations reached.

Final Merits Hearing

All court events are set on a date certain at the Scheduling Conference to comply with state mandated case time standards. At the Merits Hearing, all parties should be prepared to present any

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witnesses, evidence, or exhibits to prove, or defend against, a claim within the time allotted at the Scheduling Conference. Certain matters may be scheduled for Merits Hearing before a magistrate.

Limited Child Support or Access Issues – Timeline

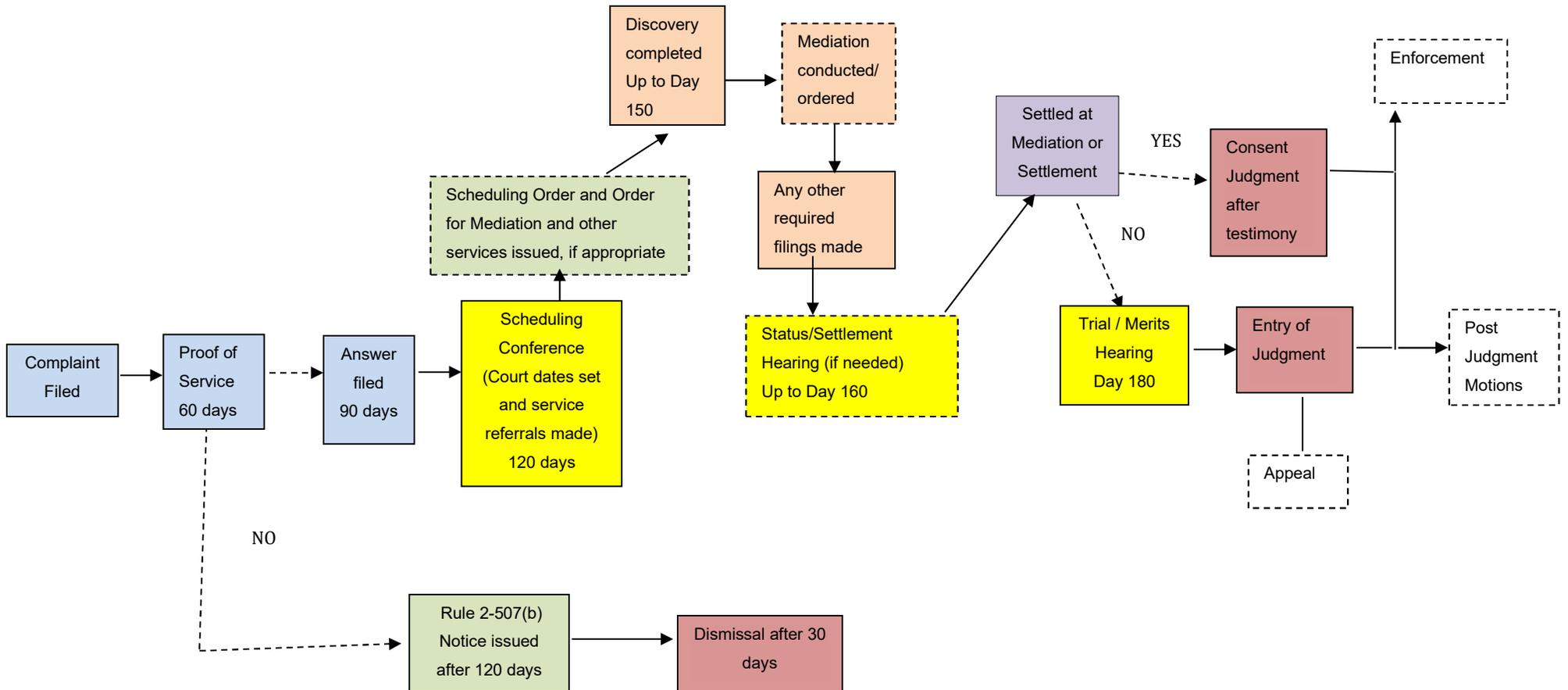
- Day 1: Complaint filed
- Up to Day 60: Service obtained
- Up to Day 90: Answer filed (unless Defendant served out-of-state)
- Up to Day 120: Scheduling Conference
- Day 140 - 170: Discovery to be completed
Maryland Parenting Plan Tool OR Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time to be completed (if applicable)
Proposed Child Support Guidelines to be Completed (if applicable)
- Up to Day 160: Status or Settlement Conference (if needed)
- Day 180: Merits Hearing

NOTES:

Mediation, if ordered, should be conducted prior to any Status or Settlement Conference set. If no Status or Settlement Conference is scheduled, mediation, if ordered, should be conducted no less than 20 days prior to the Merits Hearing.

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Diagram 1.2 – Track 1 – Limited Issues



TRACKS 2 and 3 – STANDARD and COMPLEX CASES

Process Summary

Scheduling Conference (Mandatory)

A Scheduling Conference is set for all contested family cases by the Assignment Office no later than 30 days after an answer or a counter-complaint is filed. Most Scheduling Conferences are heard by a Circuit Court magistrate. Scheduling Conferences are not scheduled in uncontested cases, cases for which a Default has been entered, or where a contempt petition and Show Cause Order have been filed. In cases with contempt petitions, a Prehearing Conference will be scheduled via a Show Cause Order.

A magistrate conducts the Scheduling Conference to:

- a) Provide an early opportunity for the parties to settle any of the issues in their case;
- b) Determine the contested issues in each case;
- c) Establish track designations;
- d) Determine the need for any Family Services and Coordinated Service Referrals and make any needed referrals and/or recommendations;
- e) Set any/all future court proceedings, to include a Pendente Lite or Motions Hearing, if needed, a Settlement Conference, a Pre-Trial Conference and a Merits Hearing; and
- f) Arrive at a time estimate for any necessary hearings; and
- g) Provide the parties with the Maryland Parenting Plan Instructions and the Maryland Parenting Plan Tool pursuant to Md. Rule 9-204.1(b), if applicable

THERE WILL BE NO TESTIMONY/EVIDENCE PRESENTED AT THE SCHEDULING CONFERENCE.

All parties and their counsel must personally attend the Scheduling Conference unless excused by the Court prior thereto.

At the Scheduling Conference, agreed dates are obtained from the attorneys and parties for the scheduling of any necessary court proceedings. Counsel and parties are expected to bring their calendars, as dates will not later be rescheduled as a rule. The parties generally will not receive

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additional time from the Court once dates are set (e.g., if the Merits Trial is set for 2 days, that is the only time set aside for the trial – more time will not be later granted). If In-House Mediation is ordered, the date will be scheduled in open court at the Scheduling Conference.

HEARING/TRIAL DATES ESTABLISHED AT THE TIME OF THE SCHEDULING CONFERENCE SHALL NOT BE POSTPONED EXCEPT AS OUTLINED IN THE **POSTPONEMENTS** SECTION FOUND BELOW

Scheduling Orders and Orders for Service Referrals

Immediately following the Scheduling Conference, a Scheduling Order will be issued based upon the hearing dates set in court. Any orders for family services that were recommended by the magistrate will also be issued immediately following the Scheduling Conference. Services may include, but are not limited to, mediation, attorney for the child, parenting coordination, custody evaluation, substance abuse testing, or family therapy. (Please see the “FAMILY SERVICES and COORDINATED SERVICE REFERRALS” section below).

Pendente Lite Hearing

A Pendente Lite Hearing is not set in all cases but may be scheduled upon request and at the discretion of the Court. These hearings are set in cases where it is necessary to pass orders on a temporary basis regarding custody, access, and finances. During these hearings, only limited information necessary to pass temporary orders is presented. It is expected that these hearings will be concluded in less than two hours. Any request for a hearing longer than two hours shall be made in writing. Pendente Lite hearings are generally scheduled in front of a magistrate. The orders passed as a result of a Pendente Lite Hearing are intended only to be in effect until the final merits in the matter.

Settlement Conference

A Settlement Conference is set in all Tracks 2 and 3 cases approximately 75 days or more prior to the Merits/Trial Date. All Settlement Conferences are held before either a magistrate or senior judge. The magistrate or judge will place on the record any settlement agreement reached between the parties, at the hearing. Unless requested by motion and approved in advance of the Settlement Conference, parties and counsel must appear in person.

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The Settlement Conference will start at the time set forth in the Scheduling Order and Hearing Notice and continue until the senior judge or magistrate declares an impasse or settlement is reached. Parties and counsel should be prepared to be present at court for several hours or more.

In matters where an In-House Custody Evaluation is ordered, the litigants may take part in an Evaluation/Settlement Conference in addition to the standard Settlement Conference. The Custody Evaluator will give his/her verbal recommendations and the litigants (and counsel) will be expected to remain and make attempts to settle the matter after the verbal recommendations are given. This process takes approximately 90 minutes to 2 hours. Counsel and parties may be able to meet with a magistrate or a senior judge, to ascertain if there are areas of consensus. If there is no settlement, the Custody Evaluator will then submit a written report approximately 15 days prior to the Pre-Trial Conference, but no later than 30 days in advance of the Final Merits Hearing/Trial. Parties may be asked whether they stipulate to the report based on the verbal recommendations given on that date. If the Evaluation/Settlement Conference is combined with any other matter, the parties will still be required to attend any other hearing/matter scheduled for that date.

Required Documentation

Written Discovery. All written discovery must be completed 20 days prior to the Settlement Conference, unless otherwise indicated in the Scheduling Order.

Motions. All Motions, with the exception of Motions in Limine, must be filed 10 days prior to the Settlement Conference, unless otherwise indicated on the Scheduling Order.

Parenting Time or Decision Making Authority. Pursuant to Md. Rule 9-204: if parenting time and/or decision making authority is at issue, counsel and/or unrepresented parties are required to prepare, exchange and file either the Maryland Parenting Plan Tool or a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time, 10 days in advance of the Settlement Conference, unless otherwise indicated in any Scheduling Order issued.

Marital property. Counsel and unrepresented parties are required to prepare and exchange a Maryland Rule 9-207 Joint Statement of Parties Concerning Marital and Non-Marital Property in all cases with contested issues involving marital property. Same must be filed 7

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days in advance of the Settlement Conference, unless otherwise indicated in the Scheduling Order.

Child support. Counsel and unrepresented parties are required to prepare and exchange proposed Child Support Guidelines in all cases with contested child support issues. The draft guidelines must be filed 7 days prior to the Settlement Conference, unless otherwise indicated in the Scheduling Order. In addition, the parties shall bring to the Settlement Conference their three most recent pay statements, their W-2 or 1099 for the prior year, detailed health insurance premium documentation, documentation of any extraordinary medical costs, and documentation of any work-related child care expenses.

Pre-Trial Conference

If the case is not resolved at the Settlement Conference, the parties will then attend the prescheduled Pre-Trial Conference. The Pre-Trial Conference takes place approximately two weeks prior to the Merits/Trial date. The Pre-Trial Conference is generally conducted by a judge. Instructions with respect to the Pre-Trial Conference are generally set forth in the case Scheduling Order.

At the Pre-Trial Conference, the judge shall verify: that mediation has occurred, that pre-trial statements are filed, whether there are any stipulations, whether there are still contested issues, that financial statements have been filed and updated, that the joint property statement has been filed, the anticipated length of the trial, the number of witnesses, and the number of expert witnesses, if appropriate. The Pre-Trial Conference judge will inquire whether there any open motions, and, if so, how much time is needed for a hearing. The judge will also ascertain, if applicable, whether the parties can stipulate to any Custody Evaluation Report.

Required Documentation

Expert Witness Identification. Each party shall identify their expert witnesses in advance of the Pre-Trial Conference. Plaintiffs must identify their expert witnesses no later than 45 days prior to the Pre-Trial Conference, and defendants must identify their expert witnesses no later than 30 days prior to the Pre-Trial Conference, unless otherwise indicated in the Scheduling Order.

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Updated Discovery and Depositions. Any updated discovery and all depositions should be completed 20 days prior to the Pre-Trial Conference, unless otherwise indicated in the Scheduling Order.

Pre-Trial Statement. Each party or their counsel shall file a pre-trial statement no later than 10 days prior to the Pre-Trial Conference unless otherwise indicated in the Scheduling Order. As provided in the Scheduling Order, the pre-trial statement shall include: party and counsel information, certification regarding discovery completion, certification regarding ADR, stipulations, disputed issues, citations, witness list, list of pending motions, exhibit list, evidence to be presented, updated joint property statement and updated financial statements.

In every case that is not settled at the Pre-Trial Conference, the Court may enter an Order that recites in detail any decisions made or stipulations reached at the Pre-Trial Conference.

Final Merits Hearing/Trial

All court events are set on a date certain at the Scheduling Conference to comply with state mandated case time standards. At trial, all parties should be prepared to present any witnesses, evidence, or exhibits to prove or defend against a claim within the trial time allotted at the Scheduling Conference.

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Track 2 – Standard Timeline

Day 1:	Complaint filed
Up to Day 60:	Service obtained
Up to Day 90:	Answer filed (unless Defendant resides out-of-state)
Up to Day 120:	Scheduling Conference
Up to Day 180:	Pendente Lite Hearing (if needed)
Day 180 – 220:	Written Discovery to be completed
Day 185 – 225	All Motions to be filed (with the exception of Motions in Limine)
Day 190 – 230:	Maryland Parenting Plan Tool OR Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time to be filed (if applicable) Marital Property Statement to be filed (if applicable) Proposed Child Support Guidelines to be submitted (if applicable)
Day 200 – 240:	Settlement Conference
Day 220 – 260:	Plaintiff's Expert Witnesses Identified
Day 230 – 270:	Defendant's Expert Witnesses Identified
Day 240 - 280:	Updated Discovery/Depositions to be completed
Day 250 – 290:	Pre-Trial Statements to be filed
Day 260 – 300:	Pre-Trial Conference
Day 275 – 315	Merits Hearing / Trial

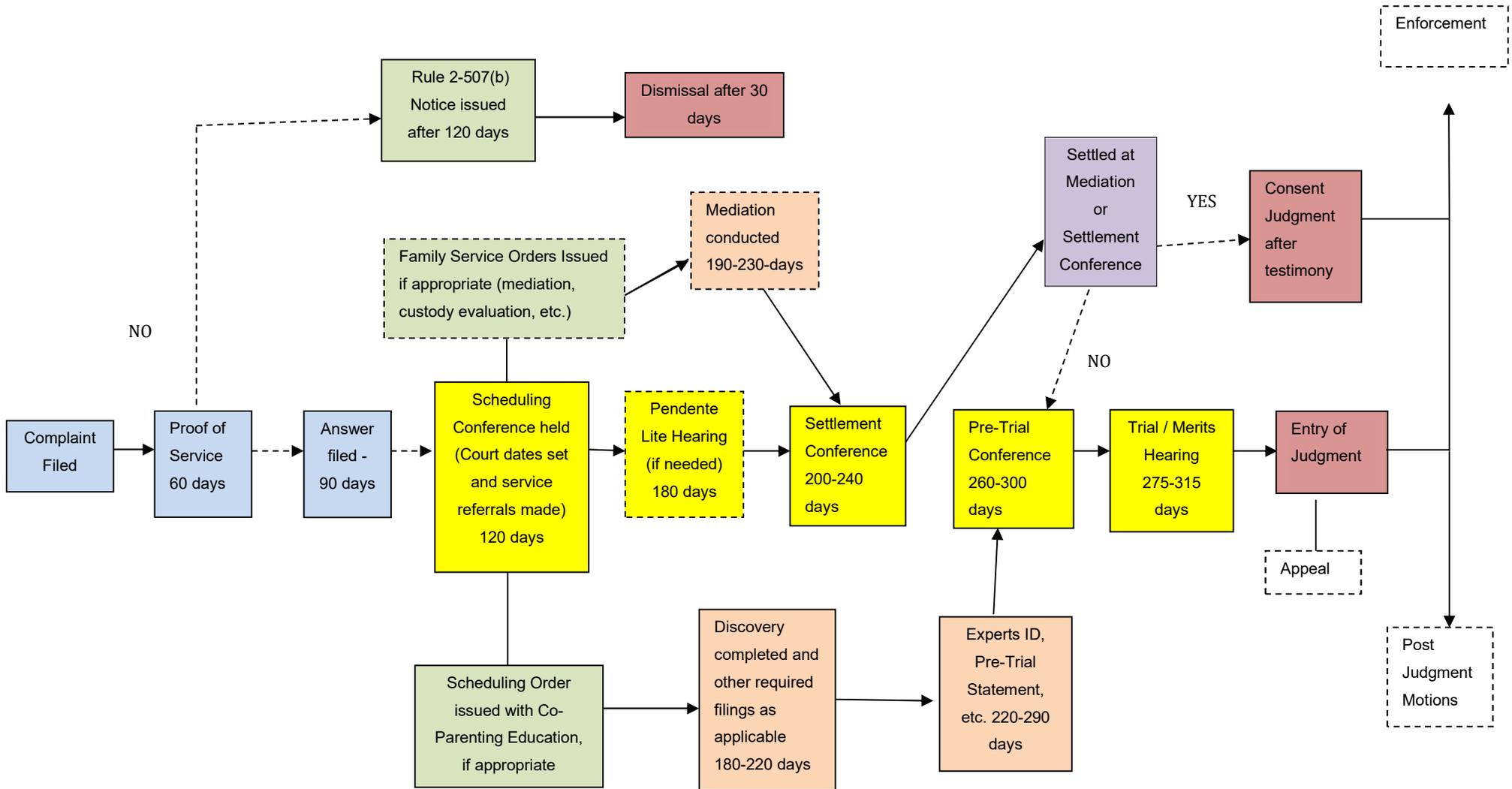
NOTES:

Mediation, if ordered, should be conducted prior to the Settlement Conference if at all possible, but must be conducted and concluded prior the Pre-Trial Conference.

Complaints for Limited Divorce may be designated as a Track 2 based upon the contested issues and follow the same course. However, timelines for these cases may be extended as case time standards do not require these types of cases to be concluded within 365 days.

Family Differentiated Case Management Plan

Diagram 2.1 – Track 2 – Standard



Family Differentiated Case Management Plan

Track 3 - Complex Timeline

Day 1:	Complaint filed
Up to Day 60:	Service obtained
Up to Day 90:	Answer filed (unless Defendant served out-of-state)
Up to Day 120:	Scheduling Conference
Up to Day 200:	Pendente Lite Hearing (if needed)
Day 210 - 250:	Written Discovery to be completed
Day 225 - 265	All Motions to be filed (with the exception of Motions in Limine)
Day 230 - 270:	Maryland Parenting Plan Tool OR Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time to be filed (if applicable) Marital Property Statement to be filed (if applicable) Proposed Child Support Guidelines to be submitted (if applicable)
Day 240 - 280:	Settlement Conference
Day 260 - 300:	Plaintiff's Expert Witnesses Identified
Day 270 - 310:	Defendant's Expert Witnesses Identified
Day 280 - 320:	Updated Discovery/Depositions to be completed
Day 290 - 330:	Pre-Trial Statements to be filed
Day 300 - 340:	Pre-Trial Conference
Day 315 - 355	Merits Hearing/Trial

NOTES:

Track 3 Complex cases will generally be specially assigned to a judge and be managed and overseen by the specially assigned judge. However, some preliminary hearings may still be conducted by a magistrate. Additionally, some Track 3 cases may have a magistrate specially assigned in conjunction with the specially assigned judge.

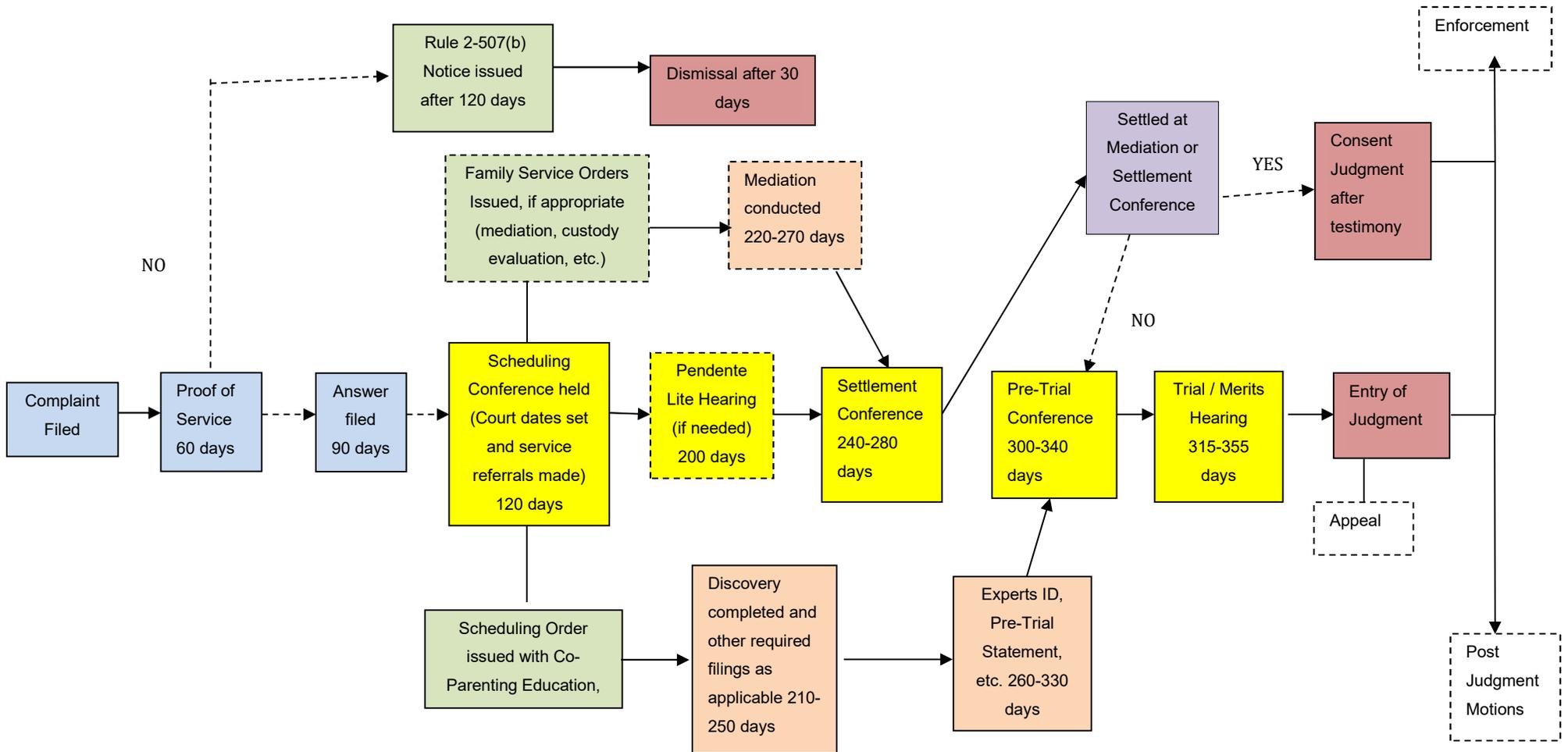
Family Differentiated Case Management Plan

Mediation, if ordered, should be conducted prior to the Settlement Conference if at all possible, but must be conducted and concluded prior the Pre-Trial Conference.

Complaints for Limited Divorce may be designated as a Track 3 based upon the contested issues and follow the same course. However, timelines for these cases may be extended as case time standards do not require these types of cases to be concluded within 365 days.

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Diagram 3.1 – Track 3 – Complex



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FAMILY SERVICES and COORDINATED SERVICE REFERRALS

Family Support Services and Coordinated Service Referrals include programs that are designed to facilitate conflict resolution and improve outcomes in family cases. Some family services and programs are mandatory and will be ordered by the Court during the case. Other services and programs are discretionary by referral of the Court during a case, or they may be requested by either or both parties. Descriptions of family services and programs are as follows:

Co-Parenting Education Seminar

A seminar will be court-ordered, where appropriate, for parties involved in family litigation involving custody and visitation issues. The litigants will choose one of the 6-hour Parenting Education Seminars from the information sheet provided by the Court. The goals of the Parenting Education Seminars include the education of parents and the provision of necessary tools to help parents who live apart work together in making decisions regarding their children, while showing parents how to insulate the children from adult conflict in order to encourage a healthy adjustment for the children in these cases. The cost of these seminars is borne by the parties. However, parties may be determined eligible by the provider for reduced fees or waiver based upon income. (Md. Rule 9-204).

Genetic Testing

Testing is available when paternity is at issue. Testing is done through the Office of Child Support Enforcement and must be by court order. Said testing may be ordered at the discretion of the Court. The cost of genetic testing is generally borne by the litigants.

Alternative Dispute Resolution (ADR)/Mediation

Mediation is available to all parties and, where appropriate, will be court-ordered, requiring parties to attend mediation with a court-appointed mediator/ADR practitioner. ADR/Mediation affords the

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parties the opportunity to reach an agreement and resolve many issues, such as custody, access, child support, property, and/or financial issues in family cases.

Many cases will be court-ordered to ADR/Mediation with a mediator from an approved list designated by the County Administrative Judge and maintained by the Deputy Court Administrator. These ADR / Mediation sessions are held outside of the courthouse, usually in the ADR practitioner's office or another location of mutual agreement, including a virtual environment. All ADR/Mediation sessions are confidential. However, any agreement reached through mediation may be incorporated into an order issued by the Court. The cost of court-ordered ADR/Mediation (not applicable to the In-House Mediation program) is set by the County Administrative Judge in accordance with Md. Rule 17-208 and is defined in any Mediation Order (exception is an Order for In-House Mediation) issued by the Court. Information on mediation and the fees associated therewith can be found on the website of the Circuit Court for Frederick County at: <https://www.frederickcountymd.gov/7449/ADRMediation-Programs> in the Family Case Mediation section.

There is availability for income qualifying parties to participate in mediation through the In-House Mediation Program at the Circuit Court. For litigants with limited or no income, the Court may refer and order ADR/Mediation sessions through the Court's In-House Family Mediation Program. The In-House Mediation Program is conducted by certified/trained mediators, some of whom are practicing attorneys with substantial expertise in family law. All sessions held through this program are confidential. However, any agreement reached through in-house mediation may be incorporated into an Order issued by the Court. The program may require proof of income even after referral.

Custody Evaluation

An in-depth evaluation of the conflicted family and may be court-ordered in certain cases. Child custody evaluation is a process through which recommendations for the custody of, parenting of, and access to child(ren) can be made to the Court in those cases in which the parents are unable to work out their own parenting plans. The primary purpose of a child custody evaluation is to assess the family and provide the court, the parents, and the attorneys with objective information and recommendations. The assessment goals of a child custody evaluation shall be to: (a) identify the

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developmental needs of the child(ren); (b) identify the strengths, vulnerabilities, and needs of all other members of the family; (c) identify the positive and negative family interactions; (d) develop a plan for custody and access utilizing the strengths of each individual that will serve the best interest of the child(ren) and within those parameters, the wishes and interests of the parents, and in most situations provide them with an opportunity to share in the upbringing of their child(ren); and (e) through a written report, provide the Court, parents, and attorneys with these recommendation and supporting data. These evaluations may require home visits, school reports, submission of therapy/medical reports, and collateral contacts in the community. If, during intake or in the course of the assessment, it becomes evident to the Evaluator that the family conflict requires psychological testing or other evaluations (e.g. drug and alcohol evaluations), an additional order may be entered directing the parties to contract for same as an aid in determining the best interests of the child(ren), (Md. Rule 9-205.3).

Private Custody Evaluations may be ordered by the Court under certain circumstances. If the parties demonstrate a need, a qualified private practitioner, possessing at least the designation of LCSW-C (Licensed Certified Social Worker – Clinical) or equivalent may be appointed. In most cases, the cost of the evaluation and the evaluator’s time will be borne by the litigants.

In-House Custody Evaluations may be referred/ordered by the Court for income-qualifying parties under certain circumstances. If the parties demonstrate a need, the Court will order a Custody Evaluation with the In-House Custody Evaluator employed by the Circuit Court, who is a qualified practitioner, with the same qualifications as described above. Proof of income may be required, even after referral. In most cases, the much lower cost of this type of evaluation will be borne by the litigants.

Attorney Appointments for the Minor Child(ren)

A list of qualified attorneys as described below is maintained by the Family Services Coordinator. Information about the definitions, best practices, and qualifications of attorneys appointed to represent minor children can be found at:

<http://www.courts.state.md.us/family/pdfs/training/BIAGuidelines.pdf>

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Best Interest Attorney may be appointed by court order if appropriate or upon request of the parties. The Best Interest Attorney specifically represents the best interests of the child(ren) of the parties. Only attorneys having completed the approved course of training will be considered for appointment in the capacity of Best Interest Attorney. In most cases, the cost of this representation will be borne by the litigants.

Attorney Advocate may be appointed by court order if appropriate or upon request of the parties. Attorney Advocates provide independent legal counsel for a child who has considered judgment. This attorney owes the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client. In most cases, the cost of this representation will be borne by the litigants.

Child Privilege Attorney may be appointed by court order if appropriate or upon request of the parties. The Child Privilege Attorney is a lawyer appointed by a court in a case involving child custody or child access to decide whether to assert or waive, on behalf of a minor child, any privilege that the child if an adult would be entitled to assert or waive. The term Child Privilege Attorney replaces the term “Nagle v. Hooks Attorney” which was derived from the case (*Nagle v. Hooks*, 296 Md. 123 (1983)). The court may combine the roles of Child's Privilege Attorney with either of the other two roles. In most cases, the cost of this representation will be borne by the litigants.

Psychological Evaluations

Psychological evaluations are conducted by private practitioners in the community, and the expense of the testing and evaluation is borne by the parties. Participation may be ordered by the Court upon motion of a party, upon recommendation of the magistrate, or upon independent order of the Court. Psychological evaluations may be sought when it becomes apparent that the Court will benefit from the more in-depth mental health and parenting capacity information. This may be the case when there is a demonstrated immediate and significant concern or when a Custody/Visitation Evaluation with psychological testing as an adjunct is needed to arrive at a decision in the best interests of the child(ren). In most cases, the cost of this service will be borne by the litigants.

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Therapy or Family Therapy

Therapy may be ordered by the Court during the pendency of a case when there is a demonstrated concern or issue regarding the child(ren) or one or both of the parents. Ongoing therapy may also be ordered as part of the ultimate decision in a contested custody/visitation case. In most cases, the cost of this service will be borne by the litigants.

Parenting Coordination

Parenting Coordination is a process in which the parents work with a Parenting Coordinator to reduce the effects or potential effects of conflict on the parties' child(ren). Parenting Coordinators use mediation, creative problem solving, and education techniques to resolve disputes regarding parenting plans and are empowered in limited situations to arbitrate and make decisions when mediation and education efforts are not successful in resolving the conflict. There is no In-House Parenting Coordination program currently offered. The Family Services Coordinator maintains a list of approved Parenting Coordinators who each set their own rates, which are allocated between the parties. For families of limited means, they may choose to select one of the providers that charge a lower rate that is allocated between the parties. The Court may order Parenting Coordination during the course of the litigation, and the parties may consent to continue or start Parenting Coordination after litigation has concluded. (Md. Rule 9-205.2).

Supervised Visitation and Monitored Transfer

Supervised Visitation program at the Frederick County Mental Health Association is designed to provide a structured setting and relaxed environment for visitation between children and their parents. The majority of family cases referred/court-ordered to participate in supervised visitation include reunification, absconding, alcohol or drug use, or child physical or sexual abuse. Fees are charged and are subject to change. Please contact the Frederick County Mental Health Association to verify current fees for services and availability. There is limited space in the program. More information can be found at: <https://fcmha.org/how-we-help/the-visitation-center>

Monitored Transfer program at the Frederick County Mental Health Association is designed for

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the safe transfer of children from one parent to another, where neither parent encounters the other. Staff members escort the children from one parent to another in a safe, neutral setting. Monitored Transfer is available to clients with or without Court orders as long as all parties agree to the conditions of the program. However, the Court, where appropriate, may order monitored transfers of the minor children in certain cases. Fees are charged and are subject to change. Please contact the Frederick County Mental Health Association to verify current fees for services and availability. There is limited space in the program. More information can be found at: <https://fcmha.org/how-we-help/the-visitation-center>

Therapeutic Supervised Visitation may be ordered in cases where there has been a high level of family conflict, or there has been a history of family violence, child abuse or neglect, substance abuse, or other factors that put children at risk. Generally speaking, this is the only place where the visiting parent is seeing the child(ren). Fees are charged and are subject to change. Please contact the Frederick County Mental Health Association to verify current fees for services and availability. There is limited space in the program. More information can be found at: <https://fcmha.org/how-we-help/the-visitation-center>

Drug and Alcohol Testing, Evaluation, and Treatment

Testing, evaluation, and treatment may be court-ordered when an allegation of substance abuse arises or may be requested as part of a Custody/Visitation Evaluation. The Court may order one-time testing, referral for monitoring or ongoing treatment, and counsel or the parties may be notified of all results. Hair follicle testing may also be ordered to assess longer term drug use. Costs of testing, evaluation, and treatment are generally borne by the litigants.

The Family Law Self Help Clinic

The Clinic is a free legal clinic staffed by an attorney, located on the lower level of the courthouse and accessible virtually. The clinic provides either general legal information or limited legal advice in family law matters such as divorce, custody, visitation, and child support free of charge to income eligible persons. Legal assistance may include one-on-one consultations, workshops and tools for case organization and trial preparation. An appointment can be made by texting 240-285-9675

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during the hours of 8:30 am and 4:00 pm, Monday through Friday. These dates and times are subject to change. Please always check with the Court to verify dates, times and other information. This is not a court-ordered service.

Heartly House

Heartly House provides legal representation in protective order hearings to victims of domestic violence who have been abused by an intimate partner (i.e., current or former spouse, current or past boyfriend, girlfriend, or an individual who has a child in common with the victim). Heartly House (HH) also offers a variety of related services to its clients, including assistance in formulating a safety plan, accompaniment to related criminal proceedings, and information on family law and domestic violence issues. HH works closely with the other service providers in the community to provide clients with referrals for services not offered by HH. In addition, HH represents clients with appeals from decisions in both the District and Circuit Courts. In limited circumstances, HH will represent victims in divorce or custody proceedings. This is not a court-ordered service.

EMERGENCY RELIEF AND PETITIONS FOR TEMPORARY EX PARTE RELIEF

Emergency Relief and Procedure

If there is some immediate substantial risk that injury will result to a party or a party's child(ren) before a regularly scheduled hearing can be held, an emergency or temporary hearing may be considered in family cases. These types of hearings may occur at any time during a case but are usually filed early in the case by either party. In order to request an emergency hearing, a motion must be filed (in motion format) and must be titled: MOTION FOR AN EMERGENCY HEARING/RELIEF. The Motion should contain all of the relevant facts including the reason why the matter needs immediate court attention. Purely speculative evidence of harm will not be considered sufficient for emergency relief. See Magness v. Magness, 79 Md. App. 668, appeal dismissed, 317 Md. 641 (1989). Motions for Emergency Relief must be filed in accordance with the Maryland Rules of Procedure for Motions.

Motions for Emergency Relief should be sent to the opposing counsel/party if filed during the pendency of the action. An affidavit and certificate of service must accompany any Motion for an Emergency Hearing, detailing the facts that give rise to the emergency. All affidavits are to be attached to motions for mailing and/or service and must be signed by the party, not by counsel, unless the attorney has personal knowledge. If the Motion for Emergency Relief is the first pleading filed in the matter, the opposing party must be served in the manner set forth in the "Notify the Other Party (Defendant)" section under *Complaint or Petition Filed*.

With the exception of cases filed under the domestic violence statute, no Motions for Emergency Relief will be granted unless a pleading for permanent relief has been filed at the same time as, or prior to, the emergency motion. In other words, a party must also file a Complaint for Divorce, Custody, Visitation, Child Support, etc. at the same time or prior to filing the Motion for Emergency Relief.

The request for an emergency hearing will be reviewed by a magistrate or judge depending on the issues. If the request is granted, the Assignment Office, as directed, will afford the parties a hearing

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date within 7 business days. The hearing scheduled will be no longer than one hour in duration. If the complaining/moving party wishes the Motion to be ruled on immediately, a Motion to Shorten

Time should also be filed. Otherwise, the complaining/moving party risks the Motion for Emergency Relief being held for 18 days prior to ruling.

For cases where domestic violence is an issue, this process is a supplement to, and not an alternative to or replacement for, the procedures outlined in the FL §4-501 regarding Petitions for Protection from Domestic Violence.

Ex Parte Relief and Procedure

Motions/Petitions for Ex Parte Relief shall be filed with the Clerk's Office and all parties shall comply with the provisions of Md. Rule 1-351. The motion must include a written certification that the moving party has given notice of the time and place of presentation of the application to the Court or that specified efforts commensurate with the circumstances have been made to give notice.

If a Motion for Ex Parte Relief relies upon facts not contained in the record or presented in live testimony, the motion must be "based on a verified affidavit." Magness v. Magness, 79 Md. App. 668, appeal dismissed, 317 Md. 641 (1989). In accordance with Magness and other case law, the affiants must certify their personal knowledge of facts upon which they rely to support their claim for relief. The Motion for Ex Parte Relief will be reviewed by a judge, depending on the issues, and the judge shall (1) issue an Order, (2) deny an Order or (3) direct the Assignment Office to schedule a hearing before a magistrate or judge. A ruling will be made and the parties will be notified by the close of business the following business day.

DENIAL OF EMERGENCY OR EX PARTE RELIEF DOES NOT DISMISS THE CASE. THE CASE IS EXPECTED TO PROCEED IN THE NORMAL COURSE AND IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

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Motions for Ex Parte Relief should be sought sparingly and only in circumstances that require immediate intervention. Ex Parte or Emergency Relief will be denied unless there is a sufficient showing that there is an imminent risk of substantial and immediate harm to a party or minor child or that there are circumstances which the Court believes require immediate intervention in accordance with the aforementioned policy.

Abuse/Domestic Violence

Cases are screened for abuse/domestic violence by the Family Case Manager, based upon information filed in the case, prior to the Scheduling Conference taking place. During the Scheduling Conference, the presiding magistrate asks parties and/or counsel generally if there is any reason the case would not be appropriate for mediation. If nothing is found by the Family Case Manager and none of the parties or counsel object to mediation during the Scheduling Conference, then the case will be court-ordered to mediation. Whether ordered to mediation with an outsourced mediator on the Court's roster or ordered to the In-House Mediation Program, the mediator or their support staff, further screen cases for abuse/domestic violence prior to any mediation session being held, by either interviewing parties via phone or asking each party to fill out a questionnaire based upon Suitability for Mediation Tool.

TRACK 4 - SPECIAL PETITIONS

Adoption Petitions – Process Summary

Information on Adoption Petitions can be found in Md. Rules 9-101 through 9-113.

When a Petition for Adoption is filed (other than an Adoption filed following a Termination of Parental Rights/Guardianship through a Department of Social Services matter where a child was previously found CINA), the Clerk's Office will enter the track designation in the case management system, issue the appropriate notice of filing, if requested, and refer the case to the Adoption Case Management Judge, as designated by the County Administrative Judge.

The case is then solely managed in its entirety by the Adoption Case Management Judge and the judge's staff. Letters or notices may be sent to the petitioner or counsel if the Petition or any attachments and exhibits do not comply with the Maryland Rules. The Adoption Case Management Judge will also determine the need for any attorney appointments, such as an attorney to represent the child or an objecting parent. The file may be sent to the Assignment Office for scheduling of a Status Conference or other preliminary hearings, if necessary.

A Home Study/Evaluation may be ordered, if deemed appropriate. This home study is conducted by the Circuit Court Evaluator (or private evaluator in the event of a conflict). The primary purpose of a home study is to assess the family and provide the court, petitioner(s), parents, and the attorneys with objective information and recommendation. The assessment goals of a Home Study/Evaluation shall be to: (a) identify the developmental needs of the child(ren); (b) identify the strengths, vulnerabilities, and needs of all other members of the family; (c) identify the positive and negative family interactions; (d) determine what course of action will serve the best interest of the child(ren) and within those parameters, the wishes and interests of the parties; and (e) through a written report; provide the court, petitioner(s), parents, and attorney with these recommendation and supporting data.

Whether a case is contested or uncontested, all issues will be addressed by the Adoption Case Management Judge, and it is the responsibility of that judge, in conjunction with the Clerk's Office to appropriately manage the case so that the matter is concluded within case time standards. When

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the matter is ready for a testimony/final hearing, the date is coordinated with the judge and the Assignment Office, as well as any attorneys who have entered their appearance.

Guardianship Petitions – Process Summary

Information on Petitions for Guardianship can be found at Est. & Trusts §13-101, et seq.

When a Petition for Guardianship is filed, the Clerk's Office will enter the track designation in the case management system and refer the case to the Guardianship Case Manager.

The case is managed by the Guardianship Case Manager in concert with the Guardianship Case Management Judge (as designated by the County Administrative Judge) and the judge's staff for purposes of initial screening. This ensures all pleadings and documents comply with Maryland Rules. Letters or notices may be sent to the petitioner or counsel if the Petition or any attachments and exhibits do not comply with the Maryland Rules. Any necessary appointments of an attorney to represent the alleged disabled or minor will be made by the Guardianship Case Management Judge to ensure they are eligible pursuant to Md. Rule 10-106. In all cases, a Show Cause order will be issued outlining appropriate service and answer dates, based upon any hearing dates. All hearing dates will be coordinated by the Assignment Office with any attorneys who have entered their appearance or been appointed by the Court.

Once set for hearing, whether contested or uncontested, these cases may be placed into general assignment, meaning that any judge may conduct hearings or address any other issues that arise. It is the responsibility of each judge, in conjunction with the Guardianship Case Manager, to appropriately manage the case so that the matter is concluded within case time standards and the required orientation and training is completed by individuals appointed as guardians.

These cases are closed once a guardian is appointed. However, they will remain active for purposes of tracking and reviewing required Report of the Person and/or Inventory, Accounting and Fiduciary Reports. It will be the responsibility of the Trust Clerk and the Guardianship Case Manager to track and review any required Reports of the Guardian with the Guardianship Case Management Judge having the final authority to accept/approve said reports.

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Petitions to Enroll a Foreign Decree – Process Summary

When a Petition to Enroll a Foreign Decree is filed, the Clerk’s Office will send the Petition to the defendant/opposing party in accordance with FL §9.5-305, notifying said defendant/opposing party of their right to contest the Petition within 20 days of service.

If service is effected and no objection is filed, then the Petition is sent to a judge for issuance of an order enrolling/confirming registration of the foreign decree and the case is closed. If any request for modification or enforcement of the foreign decree has been requested, the case is reopened by the Clerk’s Office and the request must be served in accordance with the process described in the **Case Processing Events – All Family Case Types** section and the case will then follow the appropriate processing of a Track 1, 2 or 3, depending on the contested issues, as outlined above in **Table 1.1 – Family Tracks, Case Types, and Outcomes.**

If service is effected and the opposing party/defendant files an objection to enrolling the foreign decree, then the case is referred to the Assignment Office for a hearing to be scheduled within 90 days. At the hearing, a determination will be made as to whether the Foreign Decree should be enrolled, and the appropriate court order will follow. Once the court order, either denying or granting the Petition is issued, the case will be closed.

When a Petition to Enroll Foreign Decree is granted and any modification or enforcement of the foreign decree has been requested, the case will be reopened by the Clerk’s Office and the request for modification or enforcement must be served in accordance with the process described in the **Case Processing Events – All Family Case Types** section and the case will then follow the appropriate processing of a Track 1, 2 or 3, depending on the contested issues, as outlined above in **Table 1.1 – Family Tracks, Case Types, and Outcomes.**

If service of the Petition is NOT effected, then the case will be referred to the Assignment Office and a Status Conference will be scheduled within 60 days to determine the next steps that are needed regarding service, whether a further hearing is necessary and any other action that is appropriate.

Name Change Petitions – Process Summary

Pursuant to Md. Rule 15-901, a Petition for Name Change should include the petition, any required

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supporting documents and a proposed order. When the Petition for Name Change is filed, the Clerk's Office will hold the petition for at least 30 days, plus time for mailing to allow for any objection to the petition to be filed. If the petition requests to change the name of a minor and written consent of each parent, guardian or custodian of the minor is not filed, then the Clerk's Office shall issue a Notice of Change of Name of a Minor. The moving party must then serve the notice with the petition and any attachments to any and all non-consenting parents, guardians or custodians pursuant to Md. Rule 2-121. Once an Affidavit of Service is filed, the Clerk's Office will hold the petition for 30 days, plus time for mailing after the date of service, to allow for any objection to the petition to be filed. Please note the if the petition is for the name change of a minor, all parents, guardians or custodians must file a written consent and the child, if 10 years of age or more, must also file a written consent

Once an Affidavit of Service has been filed, when required, and/or the time for an objection has passed, as described above and no objection is filed, the Clerk's Office will send the petition to the designated Chambers Judge for review to determine if the issuance of an order granting the petition is appropriate. The Court may grant the petition without a hearing or the matter may be referred to the Assignment Office for a hearing, with the appropriate order to follow.

If no Affidavit of Service has been filed and is required as described above the matter is sent to the designated Chambers Judge for review to determine the next course of action, which may involve scheduling a hearing. At the hearing, the Court will determine if further steps need to be taken with regard to service or if the petition should be granted or denied with the appropriate order being issued. The case may be dismissed if the moving party fails to appear.

If an objection to the petition for name change is filed, whether for an adult or a minor, the Clerk's Office will send the petition to the Assignment Office for scheduling a hearing. The moving party may file a response to the objection, but it is not required. A ruling on the petition will be made at the hearing and the appropriate order will follow.

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Declaration of Gender Identity Petitions, with or without Request for Name Change – Process Summary

Pursuant to Md. Rule 15-902, a Petition for Declaration of Gender Identity should include the petition, any required supporting documents and a proposed order. When the Petition for Declaration of Gender Identity is filed, the Clerk’s Office will not hold the petition, but send it to the designated Chambers Judge for review and ruling as appropriate.

If the petition is for the Gender Identity Declaration of a minor and written consent of each parent, guardian or custodian of the minor is not filed, then the Clerk’s Office shall issue a Notice of Filing. The moving party must then serve the notice with the petition and any attachments to any and all non-consenting parents, guardians, or custodians pursuant to Md. Rule 2-121. Once an Affidavit of Service is filed, the Clerk’s Office will hold the petition for 30 days, plus time for mailing after the date of service, to allow for any objection to the petition to be filed. Please note the if the petition is for the Gender Identity Declaration of a minor, all parents, guardians, or custodians must file a written consent and the child, if 10 years of age or more, must also file a written consent.

If required as stated above, once an Affidavit of Service has been filed, time for an objection has passed and no objection is filed, the Clerk’s Office will send the petition to the designated Chambers Judge for review to determine if the issuance of an order granting the petition is appropriate. The Court may grant a petition without a hearing or the matter may be referred to the Assignment Office for a hearing, with the appropriate order to follow.

If no Affidavit of Service has been filed and is required as described above the matter is sent to the designated Chambers Judge for review to determine the next course of action, which may involve scheduling a hearing. At the hearing, the Court will determine if further steps need to be taken with regard to service or if the petition should be granted or denied with the appropriate order being issued. The case may be dismissed if the moving party fails to appear.

If an objection to the petition for a minor is filed, the Clerk’s Office will send the petition to the Assignment Office for scheduling a hearing. The moving party may file a response to the objection, but it is not required. A ruling on the petition will be made at the hearing and the appropriate order will follow.

VARIOUS – GENERAL PROCEDURES

Final Order/Judgment

The Final Order/Judgment is entered by the Clerk's Office following a trial. The date of the judgment is the date the Clerk's Office enters the judgment on the electronic case management system docket. (Md. Rule 2-601).

Post – Judgment

The parties have 10 days to file a Motion to Alter or Amend a Judgment (Md. Rule 2-534), and 30 days to file an appeal to the Appellate Court of Maryland.

Enforcement

After the Court issues a judgment and the judgment is entered into the record by the Clerk's Office, all parties will receive a copy. The Court does not collect any money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the Court, pay the required filing fees, and appear in Court for additional hearings. The prevailing party must usually wait 10 days before he or she can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; or
3. Seizing the other person's personal property or real estate.

The prevailing party must file documents with the Court and provide the other party with copies of all motions or correspondence filed with the Court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate, or other significant property, it may be difficult to collect on a judgment.

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Contempt Proceedings

In Contempt matters, a Show Cause Order will be issued setting a date for a Pre-Hearing Conference. The Pre-Hearing Conference is generally held with a family magistrate. The magistrate will determine if jail is definitively sought as relief, determine if mediation would be helpful to resolve any issues, and set a merits (trial) date with either a magistrate (if jail not requested) or a judge.

Special Assignment of Cases

The special assignment of all family matters is the responsibility of the County Administrative Judge. If a magistrate or judge determines it is appropriate that a case be specially [not randomly] assigned for the purposes of litigation management and trial, such request or recommendation shall be forwarded to the County Administrative Judge. This will typically only apply to Track 3, Complex cases.

When appropriate, a case may be specially assigned to a Circuit Court Judge by the County Administrative Judge. Individual judges are responsible for the effective management of cases specially assigned to them; however, the scheduling of specially assigned cases must always be coordinated with the Assignment Office in order to ensure judicial availability. Specially assigned cases should be managed to the extent possible consistent with the provisions of this plan, including adherence to the case time standards.

Special Assignment does not guarantee priority status on the Court's docket. If the case is specially assigned, subsequent case management decisions will be made by the specially assigned judge consistent with the case time standards and in accordance with the basic plan procedures outlined herein. The scheduling or re-scheduling of any matters in all specially assigned cases must be cleared with the Assignment Office in advance in order to ensure judicial availability.

Postponements

It is the policy of this Court to resolve family disputes without unnecessary delay or undue waste of the time and resources of the Court, the litigants, and other case participants. Although it may be

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necessary or appropriate to postpone a hearing or court event, such requests should be based upon a showing of good cause and should be done well in advance of any scheduled court deadline or event. The Court generally will not grant any request for postponement or for modification of a Scheduling Order that delays the resolution of the matter beyond twelve months from the date of filing, which is the case time standard that applies to family cases other than Complaints for Limited Divorce.

PLEASE SEE THE ADMINISTRATIVE ORDERS THAT OUTLINE THE POSTPONEMENT POLICY FOR THE CIRCUIT COURT FOR FREDERICK COUNTY AT:

<https://www.mdcourts.gov/sites/default/files/import/clerks/frederick/pdfs/postponementofallothercases20220826.pdf>

AND

<https://www.mdcourts.gov/sites/default/files/import/clerks/frederick/pdfs/actingadminjudge20220826.pdf>

Modification of Scheduling Order and Postponement of a Settlement Conference

All requests for modification of a Scheduling Order or for postponement of a Settlement Conference shall be in writing in accordance with the Maryland Rules of Procedure. All requests must set forth the basis for the modification or postponement and the position of other parties or their counsel, if available. If a contested request is made less than three weeks before a scheduled hearing or trial, it should be accompanied by an appropriate Motion to Shorten Time.

Requests to postpone hearings before a magistrate that are made on the day of hearing will be ruled on by the presiding magistrate. The magistrate may address changes in Scheduling Orders in non-specially assigned cases; however, only the County Administrative Judge or Specially Assigned Judge may address postponements of set trial dates. An order should be issued to memorialize any postponement of court proceedings or extension of filing deadlines.

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Interpreters and Disability Accommodations

If any party or witness requires an Interpreter or accommodation due to disability for a court proceeding or for a court-ordered service, a Request for Spoken Language Interpreter (form CC-DC-041) or Request for Accommodation for Person with Disability (form CC-DC-049), whichever applies, should be filled out and filed in the Clerk's Office 30 days prior to a scheduled court proceeding or scheduled court-ordered service. Once a party files a Request Form, the Court should provide an appropriate interpreter or accommodation for any future court proceeding or court-ordered service. However, a separate form must be filed for each individual court proceeding needed on behalf of a witness. Information, instructions and the forms can be found on the Maryland Judiciary website: <http://www.Courts.state.md.us/Courts/Courtlanguageservices.html>.

The party requesting an interpreter or accommodation shall remain responsible for confirming that an interpreter or accommodation has been ordered and shall notify the Court immediately if the need for an interpreter or accommodation changes, whether for a party or witness. If a request for interpreter or accommodation is not cancelled at least 24 hours in advance of a court proceeding, the Court will be billed for the services. If the Court is billed for an interpreter or accommodation needlessly as a result of counsel's failure to advise the Court that the interpreter or accommodation will not be needed, or because counsel, a party, or witness does not appear in court in a timely fashion, the Court may assess the interpreter and/or accommodation costs against the party or counsel causing the unnecessary expense.